

REMARKS

This application was examined with claims 1 through 21. Claims 7 through 21 are allowed. Claims 1 and 2 are rejected and claims 3 through 6 are objected to. Claim 1 is amended. Claims 1 through 21 remain in the case.

Applicant requests reconsideration and reexamination of the above-identified application in view of the amendments made to the specification and claims. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action by the Examiner's subtitles.
Response to Amendment

Applicants note with appreciation the Examiner apparently has entered the Amendment with reservations as to certain issues to be resolved including mainly a "102" issue.

Specification

The Examiner identifies a typographical error at page 15, line 18 of the specification. This amendment corrects that error.

Drawings

The Examiner notes that in FIG. 10 it appears the numeral "43" at the top left corner should be -- 44 --. Applicants are submitting an Amendment to the Drawings to correct this error.

Claim Rejections

The Examiner rejects claims 1 and 2 under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,122,114 to Sudo et al. for an optical-element supporting device and optical apparatus (hereinafter "Sudo"). The Examiner argues that claims 1 and 2 clearly read on FIG. 1 and the disclosure from line 30 of column 3 to line 51 of column 4, citing Sudo. The Examiner further stated that reference should be made to numerals 1 and 2 that are arranged on the Z axis, where the detailed configuration and arrangement impart every feature recited in claims 1 and 2 with numeral 1 corresponding to the optical element, and numeral 2, to the optical element support means of claims 1 and 2.

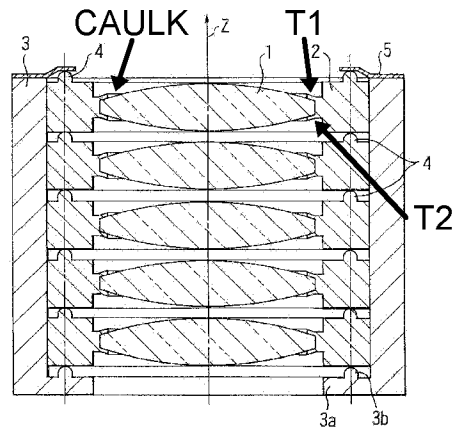
Applicants respectfully traverse this rejection on the basis of claim 1 as amended.

As Applicants understand Sudo, a ring frame 2 in FIG. 1 carries a lens 1. There are two statements that describe any type of support for the lens itself by a ring frame 2 or ring frames 12 in FIG 5. Each describes caulking. The specific references are:

The lens 1 is held, by caulking, at the inner circular edge part of the ring frame 2 in such a way as to have a prescribed degree of coaxial state.
Col. 3, ll. 40-43

and

The lenses 11 are held, by caulking, at the inner circular edge parts of the ring frames 12 in such a way as have prescribed degree of coaxial state. Col. 5, ll. 42-45



The above copy of FIG. 1 is annotated with three additional notes. The "CAULK" portion appears to be added to the lens surface at the ends of tangs T1 and T2. If the caulking is removed from the material, tangs T1 and T2 still appear to support the lens 1. The tangs T1 and T2 seem to have a substantial thickness. Insofar as Applicants can determine, Sudo does not describe how the lens 1 is placed in the ring frame 2 given the overlap of the tangs T1 and T2 with the edge of the lens 1. It is not clear how lens 1 with a first diameter is placed in the ring when the tangs T1 and T2 define a smaller diameter.

Even if there is some way of doing that, Applicants respectfully submit that claim 1 and depending claim 2 are patentable over Sudo by clearly defining the optical element support as an integral support that contains a first portion and second plastically deformed spaced portions. Applicants respectfully submit that the tangs T1 and T2 in the figure do not constitute plastically deformed portions of the ring frame 2. Therefore, Applicants respectfully submit that claims 1 and 2 do define an invention that is not disclosed in Sudo and would not be obvious in the Sudo.

Allowable Subject Matter

The Examiner allows claims 7 through 21, the Examiner objects to claims 3 through 6 as being dependent upon a rejected base claims. However, in view of this amendment, Applicants respectfully submit that base claim 1 is allowable so any rewriting of claims 3 through 6 in independent form is being held in abeyance.

Summary

Applicants have amended claim 1 and request the Examiner to reconsider the rejection and allow claims 1 and 2 as well as claims 3 through 21.

If there are any questions, we urge the Examiner to call us collect.

Respectfully Submitted,

/George A Herbster/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re : RICHARD E. FORKEY AND WILLIAM P. BARNES, JR.
AND ROBERT N. ROSS AND JOSEPH N. FORKEY
Serial No. : 10/809,198
Filed : March 25, 2004
FOR : OPTICAL DEVICE WITH LENS POSITIONING AND
METHOD OF MAKING THE SAME
EXAMINER : Loha Ben
ART UNIT : 2873

AMENDMENT TO THE DRAWINGS

Please amend FIG. 10 the above-identified patent
application as follows:

Delete "43" and insert -- 44 --.

REMARKS

A copy of the amended drawing is attached. The requested
changes are annotated. Applicants are also submitting a new
formal drawing for FIG. 10.

Respectfully Submitted,

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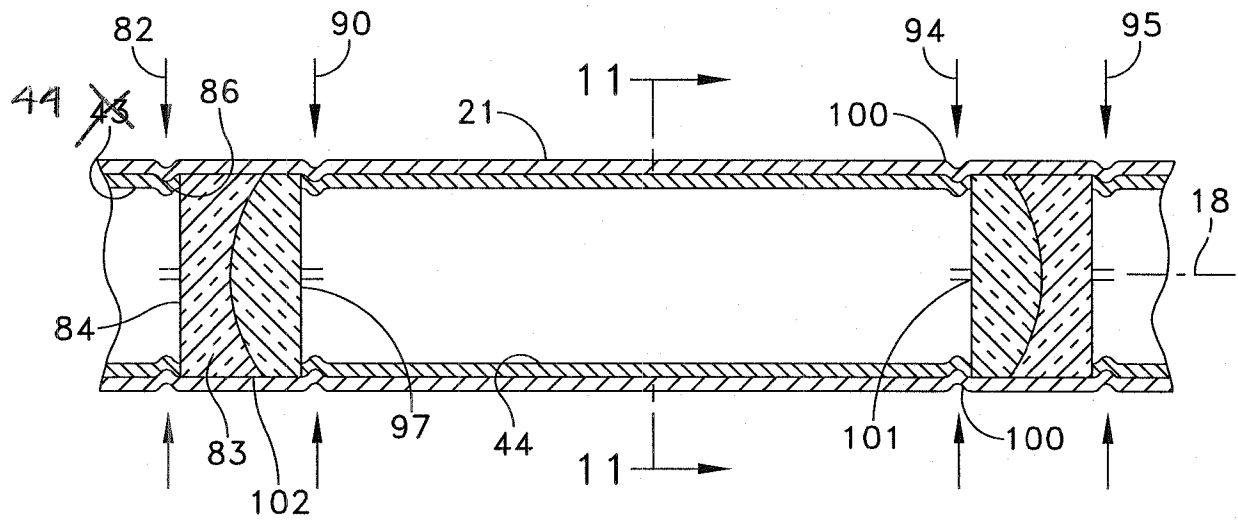


FIG. 10

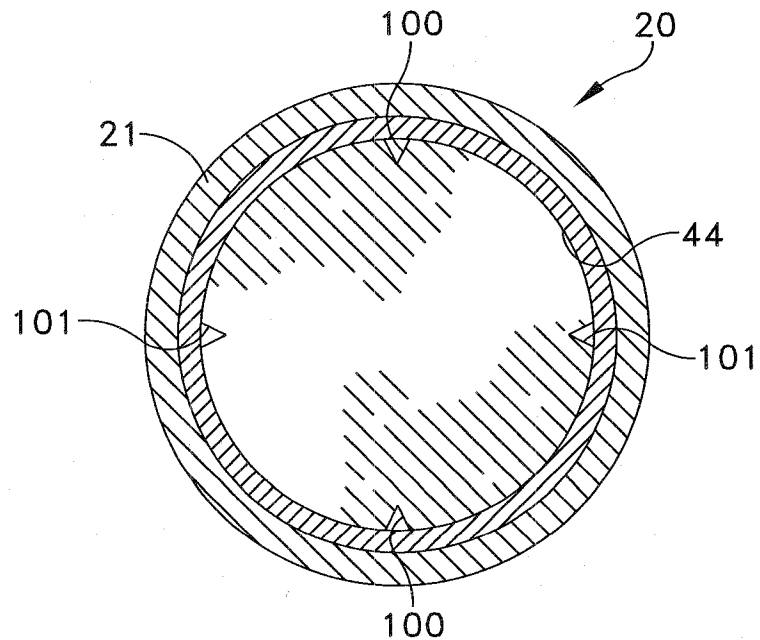


FIG. 11